

REMARKS

In response to the Notice of Allowance dated August 16, 2010, Applicant files herewith a Request for Continued Examination and submits the herein amendments to the pending claims. Claims 1-24 and 26 were previously cancelled, claim 25 remaining as amended in the response filed June 16, 2010, and as allowed in the Notice of Allowance dated August 16, 2010. New claim 27 has been added as fully supported by the present specification, to recite the combination of ranges of 0.5-1.5% lidocaine, 0.5-1.5% prilocaine, and 0.5-8% tetracaine. New claims 28-31, 33, and 36-48 have been added, as corresponding to, respectively, original claims 1-5, 7-12, 14-15, 17, 19-20, 22, 24 and 26, as provided in the Preliminary Amendment filed on the same day as the original filing of this US non-provisional application. New claims 32 and 35 have been added to recite alternative recitations of ranges of lidocaine, prilocaine and tetracaine, as fully supported by the present specification. Reconsideration and allowance are respectfully requested.

Applicant respectfully notes that the cancellation of claims is without prejudice to their potential filing of the subject matter thereof in a continuation or divisional application at a later time. Applicant does not admit any unpatentability thereof by these presently cancelled claims.

Information Disclosure Statement

Applicant hereby respectfully submits an IDS in the present case; see attached.

It is understood that this is sufficient for the filing of an IDS and RCE. Please let the undersigned know if any additional material need be submitted to validate the RCE procedure.

CONCLUSION

The Notice of Allowance of August 16, 2010, is obviated; however, upon consideration of the attached IDS and amendments, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Applicant believes no fees or petitions are due with this filing, apart from the fees for the filing of a Request for Continued Examination. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 02-2093 as necessary. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Dated: November 16, 2010

Respectfully submitted,

/guykevintownsend/

Guy Kevin Townsend, Registration No. 34,033
Attorney for Applicant
BERENBAUM WEINSHIENK PC
370 Seventeenth Street, Suite 4800
Denver, Colorado 80202
Tel: 303-825-0800 Fax: 303-629-7610